LDUIS V. FABULD \*
MARGANET M. SHALLEY
CHARLES DI MAGGID
\* ADMITTED NJ

DOUGLAS KAHAN

February 5, 2010

## VIA FACSIMILE: (718) 613-2546

Honorable Nicholas G. Garafuis United States District Judge Eastern District of New York 225 Cadman Plaza East Brooklyn, New York 11201

Re: U.S. v. Joseph Spatola 09 Cr. 672 (NGG)

## Dear Judge Garafuis:

I am the attorney for the above referenced defendant the reason I am writing you is to request that you modify the conditions of Mr. Spatola's electronic monitoring for the following reason. Two days ago Mrs. Spatola was admitted to Wycoff Hospital in Brooklyn, New York for bleeding ulcers. Since then the hospital has found that she has swollen lymph's in her stomach and may require further testing as well as possibly surgery. At this time we are unsure when Mrs. Spatola will be discharged from the hospital.

For this reason I respectfully request that you modify the conditions for Mr. Spatola to visit with his wife. I have sought the consent of the government and understand that they do consent to Mr. Spatola visiting his wife today, February 5, 2010 from 7:00 p.m. until 10:00 p.m. and Saturday, February 6, 2010 from 12:00 p.m. until 5:00 p.m.

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If your Honor requires additional information please do not hesitate to contact me or my paralegal, Ms. Jennie Carmona. Your time and consideration of this matter are greatly appreciated.

Respectfully submitted,

Louis V. Fasulo

## SO ORDERED

HONORABLE NICHOLAS G. GARAUFIS

cc: A.U.S.A. Nicole Argentieri (by fax)